

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

United States of America)

v.)

Case No. 2:12-mj-00025)

James A. Matheny)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 28, 2012 in the county of Lincoln in the
Southern District of West Virginia, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 111

Assault on a Federal Officer

This criminal complaint is based on these facts:

On or about February 28, 2012 at or near Midkiff, Lincoln County, WV, defendant James A. Matheny did, by use of a deadly and dangerous weapon, forcibly assault, resist, oppose, impede, intimidate and interfere with a Special Agent of the Federal Bureau of Investigation and a person assisting that Special Agent, both of whom were engaged in the performance of official duties in that they were conducting an investigation into alleged voter fraud in Lincoln County. The Special Agent and person assisting the Special Agent ascertained the identity of the defendant, asked him about his conduct related to voting in the May 2010 primary election, and after defendant responded, the person assisting the Special Agent asked a question intending to clarify defendant's response. Defendant thereafter brandished a small caliber automatic pistol, and stated "Are you calling me a liar? I will kill you." Defendant then retreated into his house.

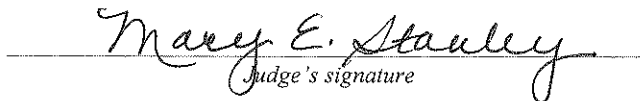
☐ Continued on the attached sheet.

Complainant's signature

Joseph A. Ciccarelli, Supervisory Sr. Resident Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: Feb. 28, 2012

*Judge's signature*City and state: Charleston, West Virginia

Mary E. Stanley, U.S. Magistrate Judge

Printed name and title